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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/553,588  | 10/17/2005  | Shigeki Imafuku      | 38837               | 1501             |
| 52054   | 7590        | 02/23/2007           | EXAMINER            |                  |
| PEARNE & GORDON LLP<br>1801 EAST 9TH SRTEET<br>SUITE 1200<br>CLEVELAND, OH 44114-3108 |             |                      | ARBES, CARL J       |                  |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             |                      |                     | 3729             |
| SHORTENED STATUTORY PERIOD OF RESPONSE  | MAIL DATE   | DELIVERY MODE        |                     |                  |
| 3 MONTHS  | 02/23/2007  | PAPER                |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 10/553,588             | IMAFUKU ET AL.      |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | C. J. Arbes            | 3729                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 17 October 2005 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>herein</u> .  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3729

Applicants' Response to the Office's Restriction has been duly considered. After a careful review it is held that the Restriction is proper and is correct. In view of the holding and further in view of Applicants' Response thereto the Restriction is now made Final. Applicants are therefore required to cancel all non-elected claims or take other appropriate action.

An Office Action on the merits of claims 1-8 now follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mimura et al (Pat No. 7,003,872 B2); hereinafter Mimura et al.  
Mimura et al teach a component mounting apparatus comprising a mounting heads each of which is movable in the plane of the mounting surface, (cf. Col 5), a controller that controls the electronic mounting apparatus so as to avoid a mounting apparatus traversing in a path with a component at a height which would too low and would interfere with another component whose height is to high. The moving apparatus also has an image pick-up device or camera (161) (Cf. Col 7). A controller (181) controls the electronic component mounting apparatus ((101)). At least the height information of the first electronic components and the second electronic components are stored. (Cf. Col. 8) The operation of mounting components onto the circuit board is similar to conventional mounting apparatus except that the operation of preventing interference

first electronic components and second electronic components. (Cf. Col. 8). It would have been obvious to provide that the apparatus had a nozzle elevating means that can move the nozzles so that they would avoid an interference with another component if in fact Mimura et al do not expressly teach the specific interference avoidance that Applicants. As applied to claim 2 Mimura et al teach an image pick up camera (161) (Cf. Col 9) which would act substantially in the same manner as the camera recited in said claim 2 of the instant Application, if this camera does not read on the claimed camera in the instant Application. The detection of board marks is held to mere design choice inasmuch as Applicants advance no particular purpose therefore nor solve any specific problem therewith. Alternatively the limitation recited in said Claim 5 is held to have been obvious given the teaching of Mimura et al coupled with the ordinary skill in this art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. J. Arbes whose telephone number is 571-272-4563. The examiner can normally be reached on M, T, R and F from 8 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Vo, can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 3729

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. J. Arbes  
Primary Examiner  
Art Unit 3729